

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

R E C E I V E D

JAN 13 2017

ANDREAS PLONKA,

Plaintiff,

v.

H&M INTERNATIONAL TRANSPORT,
INC.,

Defendant.

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

Civ. No. 16-9539

MEMORANDUM ORDER

THOMPSON, U.S.D.J.

This matter comes before the Court on the application filed by Plaintiff Andreas Plonka ("Plaintiff") to proceed *in forma pauperis* without prepayment of fees, pursuant to 28 U.S.C. § 1915. (ECF No. 1).

In considering an application to proceed *in forma pauperis*, the Court generally conducts a two-step analysis. *See Roman v. Jeffes*, 904 F.2d 192, 194 n.1 (3d Cir. 1990). First, the Court determines whether the Plaintiff is eligible to proceed under 28 U.S.C. § 1915(a). *Id.* Second, the Court determines whether the Complaint should be dismissed because it is frivolous, Plaintiff failed to state a claim upon which relief may be granted, or Plaintiff seeks money damages from defendants who are immune from such relief as required by 28 U.S.C. § 1915(e). *See id.* Here, Plaintiff's present application to proceed *in forma pauperis* is incomplete because Plaintiff has failed to sign the required affidavit in support of his application and has also failed to provide his expected income. (*See* ECF No. 1). Accordingly,

IT IS on this day 13th of January, 2017,

ORDERED that Plaintiff's application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 be and hereby is **DENIED WITHOUT PREJUDICE**, and it is further

ORDERED that if Plaintiff wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Trenton, NJ 08608 within 30 days of the entry of this Order; Plaintiff's writing shall include either (1) a complete, signed *in forma pauperis* application or (2) the necessary filing fees; and it is further

ORDERED that upon receipt of a writing from Plaintiff stating that he wishes to reopen this case, and either a complete *in forma pauperis* application or payment of the filing fees within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is further

ORDERED that the Clerk of Court administratively terminate this action without filing the Complaint or assessing a filing fee.¹


ANNE E. THOMPSON, U.S.D.J.

¹ An administrative termination is not a "dismissal" for purposes of the statute of limitations, and if the case is reopened it is not subject to the statute of limitations bar if it was originally filed timely. *See Papotto v. Harford Life & Acc. Ins. Co.*, 731 F.3d 265, 275-76 (3d Cir. 2013) (distinguishing administrative terminations from dismissals).